

PERMITTEE'S RESPONSE TO  
PETITION TO REVOKE

Robert and Kathy Pratt  
4 Beach St  
Owls Head Maine 04854  
March 25 2011

Susan Lessard, Chairman  
Board of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017

Dear MS Lessard,

This is a response to a request to revoke PBR #49587 Issued on 1-27-10 to Bob and Kathy Pratt of Owls Head. The petitioner Hurlbert alleges fraud but provides no evidence to back up his claims.

1. The bridge proposal he is alluding to was constructed by The Pratt's as a working document for the shore access that we would like to build. You will note that the town ordinance and State BPR rules restrict the Bridge to 4 ft. We requested a 6 ft. span so that we could launch our boat from our own property. With the reduction in width of the span we will not be able to transport the boat to the water. Only the smallest tractors have a width less than 4 ft. So the motorized portion of the request is limited.
2. The code officer and I discussed what type of permit I needed after getting the PBR. He felt that it was an approved access structure which does not have to go before the planning board. I accepted this without objection. The word bridge shows up many times in the applications because I knew of no better word choice under the town ordinance the option of using shore "access structure" which was more appropriate for the CEO. It should be noted that citizens of Maine have the right to access the waterfront that they own, and upon which they pay taxes.
3. The Code enforcement officer did not error by placing the PBR under notes. The PBR was already issued. He duly noted that it is on file in the town office.
4. In researching our land and the ponds that we own it is well documented that the "ice Pond" on our land is manmade. There is a stream that flows to the ocean and a dock was constructed many years ago to service ships that were loading the ice for world transport. We have been told by many "older" Owls Head citizens that the retention pond in question was also man made and the leftover pilings of the old dock seem to confirm this fact. Hurlbert has given no evidence to the contrary. Under your rules Sect 27 He cannot change his submittal. Therefore this point is mute as it is inconclusive or at best a difference of understanding of history.

In reviewing Section 27 I find no violations by the Pratt's on any issue listed. This matter is simply a new person in town who wants to have all activities in the neighborhood approved by him. It is interesting to note that on Dec 13, 2009 he hired a backhoe to dredge out a gap in the barrier beach to drain this pond. (See attached) He did this with no permit from the State or town, no public hearing, no notification of the abutters (of which we are the largest shoreline owner and did the digging on someone else property without their permission. (Please check the DEP investigation)

Hulbert has appealed the town permit to the Owls Head appeals board. They found that he had no standing as he was 11-12 months late. In documents produced by him he admits to knowing about the access structure in the fall and still did not file an objection. At The appeals hearing he was granted great leniency to speak. He was told that the only way that the board could extend the time limits was if he was overseas, in a hospital or in the military service. He said he had extenuating circumstances and went on for a lengthy dissertation that had nothing to do with the aforementioned requirements. This was truly humiliating to him.

There are some factual errors in his written statement. First the Town ordinances do not require that abutters be notified on all permits. There are two 10 ft. flag lots between his property and ours. He may not be considered an abutter being two properties away from our land.

He states that in Dec 2009 we had been turned down on a permit. This is false. The records will show that we were negotiated the actual structure size and location at the time and the final form was approved on Jan 27 2010.

There was no wrong doing by the town or the Pratt's, Hulbert is simply a neighbor who attempted to drain the pond without a permit, but does not want to let others enjoy it, even the land owners.

Thank you for consideration in this matter

Truly Yours,

Bob Pratt

Cc Mr. Hulbert

Colin Clark DEP

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